

MINUTE ENTRY

8:00 a.m.

UNITED STATES OF AMERICA -v- PEDRO Q. BABAUTA

PRESENT: Hon. Alex R. Munson
Sanae Shmull, Court Reporter
K. Lynn Lemieux, Courtroom Deputy
Timothy Moran, Assistant U. S. Attorney
G. Anthony Long, Attorney for Defendant
Pedro Q. Babauta, Defendant

PROCEEDINGS: JURY TRIAL - Deliberation and Verdict - Day Eight

Government by Timothy Moran, AUSA. Attorney G. Anthony Long was present on behalf and with defendant, Pedro Q. Babauta. Also present were Gary Guerra Special Agent for the EPA/Criminal Investigation Division. Twelve regular jurors were present.

At 8:00 a.m. twelve regular jurors were present and continued deliberation.

At 11:30 a.m. jurors were escorted to lunch by the U.S. Marshal and returned at 1:00 p.m.

At 4:50 p.m. the jurors sent out a note and the parties were called to return to the Court.

At 5:05 p.m. Court reconvened outside the presence of the jury. Discussion was had regarding the note that was received. The jurors were called into the courtroom. Court inquired as to whether they were hopelessly deadlocked. All jurors agreed that they were hopelessly deadlocked on one count.

Court inquired of the foreperson if the jury had reached a verdict on four of the five counts. The foreperson stated that they had reached a unanimous verdict on four counts.

The verdict was read and recorded as follows: "In the United States District Court of the Northern Mariana Islands; Criminal Case No. 04-00009; United States of America -vs- Pedro Q. Babauta; VERDICT. We, the jury, render the following unanimous verdict as to Counts One through Five of Indictment: As to Count 1: No entry. As to Count 2: False Document, on or about June 4, 1999: NOT GUILTY. As to Count 3: False Document, on or about December 22, 2000: NOT GUILTY. As to Count 4: False Document, on or about April 17, 2001: GUILTY. As to Count 5: False Documents, on or about March 6, 2003: GUILTY. Dated June 15, 2005 and signed by the Jury Foreperson. CERTIFICATION. I, as foreperson, certify that the above decision represents the unanimous verdict of each and every juror in this cause. Dated June 15, 2005 and signed by the Jury Foreperson."

Attorney Anthony Long requested that the jurors be polled. Government also requested that the jurors be polled. Jurors were polled and the verdict was unanimous.

The jurors were thanked for their services and excused at 5:20 p.m.

Court announced that as to Count 1 - Conspiracy to Defraud the Environmental Protection Agency - that it would declare a mistrial. Further, that the defendant

was found NOT GUILTY as to Counts 2 and 3; and GUILTY as to Counts 4 and 5.

Court set sentencing for Tuesday, September 20, 2005 at 9:00 a.m. and requested that the presentence investigation report be due on August 16, 2005.

Court ordered that the defendant remain on bond as previously set by the Court.

Attorney Anthony Long made a Motion to file extension of time for post trial motions up and to July 12, 2005; there being no objection, Court so ordered.

Adjourned at 5:55 p.m.

; [KLL EOD 06/15/2005]